

UNITED STATES COURT
DISTRICT OF MASSACHUSETTS

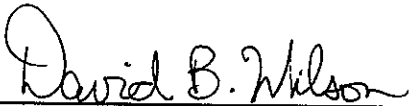
OLENA OLTAR, : CIVIL ACTION NO. 04.12594 (RGS)
Plaintiff, :
v. :
KEVIN M. LEARY, :
Defendant. :

DEFENDANT'S RULE 16.1(D)(3) CERTIFICATION

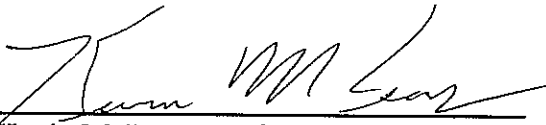
Pursuant to the provisions of Local Rule 16.1(D)(3), defendant Kevin M. Leary and his counsel hereby certify that they have conferred:

- (a) with a view to establishing a budget for the cost of conducting the full course and various alternative courses of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

ROBINSON & COLE LLP



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Boston, MA 02108-4404



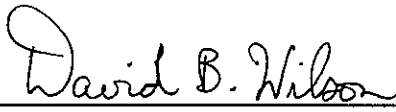
Kevin M. Leary, Defendant

CERTIFICATE OF SERVICE

This is to certify that on May 16, 2005, a copy of the foregoing document was served by regular mail, postage prepaid, addressed as follows:

David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109

Signed under the penalties of perjury.



David B. Wilson